

### DETAILED ACTION

1. This Office action is in response to the Amendment filed 07/30/2010. Claims 1, 5, 7, 8, 19, 20, 22, 23, 30, 33-37 and 41 have been cancelled. Claims 2-4, 6, 9-18, 21, 24-29, 31, 32 and 38-40 are now pending.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nicanor Köhncke on 08/04/2010.

The application has been amended as follows:

#### Claim 40 has been amended as follows:

Claim 40 (Currently Amended) A composition comprising: 10 to 99.9 wt.% of at least one non-crosslinkable organic medium (A) based on the total amount of the composition, said non-crosslinkable organic medium (A) having a viscosity of less than 30,000 mPas at a temperature of 120°C; and 0.1 to 90 wt.% of at least one microgel (B) based on the total amount of the composition, said at least one microgel (B) comprising a plurality of individual primary particles, wherein the plurality of individual primary particles has an average particle diameter of less than 99 nm, wherein the at least one non-crosslinkable organic medium (A) is selected from the group consisting of: hydrocarbons, ~~non-fluorinated polyether oils~~, ester oils, phosphoric acid esters, ~~non-fluorinated silicon-containing oils~~, and mixtures thereof, wherein said hydrocarbons are selected from the group consisting of C<sub>1</sub>-C<sub>200</sub>, natural, synthetic, non-substituted, substituted, straight-chain, branched, cyclic, saturated, unsaturated, aromatic, and mixtures thereof and wherein the substituted hydrocarbons is by a substituent selected from the group consisting of chlorine, hydroxyl, oxo, amino, carboxyl, carbonyl, aceto and amido.

***Allowable Subject Matter***

3. Claims 2-4, 6, 9-18, 21, 24-29, 31, 32 and 38-40 are allowed.
4. The following is an examiner's statement of reasons for allowance:
5. The present claims are allowed over the closest references: Yamamoto et al. (US 6548454).

Yamamoto discloses lubricant composition prepared by mixing the ultrafine particulate organic material and base oil. The ultrafine particulate organic material diameter of 20 nm to 1  $\mu$ m (column 16, lines 47-60) is an intermolecular crosslinked high molecular compound having an internally three-dimensional network, i.e., microgel, which has a shape of spherical form (column 15, lines 14-62). The lubricant compositions used are liquids having a low viscosity (column 31, lines 28-37).

However, Yamamoto does not teach or fairly suggest the claimed composition comprising: 10 to 99.9 wt.% of at least one non-crosslinkable organic medium (A) based on the total amount of the composition, said non-crosslinkable organic medium (A) having a viscosity of less than 30,000 mPas at a temperature of 120°C; 0.1 to 90 wt.% of at least one microgel (B) based on the total amount of the composition, said at least one microgel (B) comprising a plurality of individual primary particles, wherein the plurality of individual primary particles have an average particle diameter of less than 99 nm and wherein a deviation between the diameters of an individual primary particle is less than 250 %, where said deviation is defined as being equal to formula (I)  $[(d1 - d2) / d2] \times 100\%$  (I), where d1 and d2 are each a diameter of the same individual primary particle measured and where d1 is greater than d2 and wherein the at least one microgel (B) has a swelling index in toluene at 23°C of less than about 80, a glass

transition temperature of -100°C to +120°C, a glass transition range of greater than about 5°C or at least one microgel (B) is based on rubber.

There is no prior art of record, alone or in combination teach or fairly suggest the claimed compositions and the method of making and using them.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Cheng Wang whose telephone number is (571)270-5459. The examiner can normally be reached on Monday to Friday w/alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571)272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ling-Siu Choi/  
Primary Examiner, Art Unit 1796

/Chun-Cheng Wang/  
Examiner, Art Unit 1796

/CCW/